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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JAMES G. GARCIA,
12 Plaintiff,
13 v.

14 BEN CURRY, Warden, et al.,
15 Respondents.
16
17

Case No. 3:07-cv-06262-CRB

**STIPULATION AND WRIT OF HABEAS
CORPUS AD TESTIFICANDUM AND
ORDER TO TRANSPORT INMATES**

Judge: Hon. Charles R. Breyer

Date Filed: December 11, 2007

STIPULATION

WHEREAS, the Plaintiff in this action, James G. Garcia, CDCR No. K-26584, is confined at California Medical Facility, 1600 California Drive, Vacaville, California, 95696, in the custody of the Warden;

WHEREAS, a witness for the Plaintiff in this action, Nick M. Arellano, CDCR No. AB-3025, is confined at California Medical Facility, Vacaville, California, in the custody of the Warden;

WHEREAS, in its December 10, 2015 Order, the Court set an evidentiary hearing for January 22, 2016, at 10:00 a.m. at Courtroom 6, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102, before the Hon. Charles R. Breyer;

WHEREAS, at a Status Conference on May 8, 2015, the Court informed counsel that Plaintiff “has to testify and then you’re free to put on anybody that you think is appropriate” at the evidentiary hearing;

WHEREAS, in order to secure the attendance of Plaintiff at the evidentiary hearing, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the custodian of James G. Garcia to produce said inmate to the evidentiary hearing;

WHEREAS, in order to secure the attendance of Plaintiff’s witness at the evidentiary hearing, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the custodian of Nick M. Arellano to produce said inmate to the evidentiary hearing;

WHEREAS, Defendants agreed to not oppose Plaintiff’s request for an order of the Court to secure the attendance of Mr. Garcia and other incarcerated witnesses;

WHEREAS, Defendants reserve the rights provided by the Federal Rules of Evidence to object to the testimony of Plaintiff and Mr. Arellano, if necessary, and Plaintiff specifically acknowledges and agrees that Defendants retain such rights;

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1 THEREFORE, pursuant to Local Rule 7-12, Plaintiff and Defendants, through counsel,
2 hereby submit this stipulated request for a Writ of Habeas Corpus Ad Testificandum and Order to
3 Transport Inmates James G. Garcia and Nick M. Arellano.

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5 Dated: December 18, 2015

KEKER & VAN NEST LLP

6
7 By: /s/ Matan Shacham

DANIEL PURCELL
MATAN SHACHAM

8 Attorneys for Plaintiff
9 JAMES G. GARCIA

10 Dated: December 18, 2015

KAMALA D. HARRIS, ATTORNEY
GENERAL OF CALIFORNIA

11
12 By: /s/ Erin Ganahl (with permission)

13 JAY M. GOLDMAN
14 Supervising Deputy Attorney General
ERIN GANAHL
Deputy Attorney General

15 Attorneys for Defendants
16 A. TUCKER, B. CURRY, V. KHAN, P.
17 BARKER, L. LOCK, A. ROBERTS, AND
D. MCCALL

18 **ATTESTATION**

19 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
20 filing of this document has been obtained from the other signatories.

21
22 Dated:

/s/ Matan Shacham
MATAN SHACHAM

ORDER

ACCORDINGLY, IT IS ORDERED that:

A Writ of Habeas Corpus Ad Testificandum issue, under the seal of this court,
commanding the Warden of California Medical Facility to produce:

James G. Garcia, CDCR No. K-26584 and

Nick M. Arellano, CDCR No. AB-3025

to Courtroom 6, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco,
California 94102, on January 22, 2016, at 10:00 a.m., and from day to day until completion of the
evidentiary hearing or as ordered by the Court.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE WARDEN OF CALIFORNIA MEDICAL FACILITY:

YOU ARE ORDERED to produce:

James G. Garcia, CDCR No. K-26584 and

Nick M. Arellano, CDCR No. AB-3025

to Courtroom 6, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco,
California 94102, on January 22, 2016, at 10:00 a.m., and from day to day until completion of the
evidentiary hearing or as ordered by the Court.

IT IS SO ORDERED.

Dated: December 23, 2015



HON. CHARLES R. BREYER

United States District Court for the
Northern District of California